THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.28100 of 1998

Dated: 22-06-2006

Between:

M/s Sree Anusha Estates, Hyderabad.

..... PETITIONER

AND

State of A.P., rep. by its Secretary,

Revenue Department, Hyderabad, and four others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.28100 of 1998

ORDER:

The petitioner is a firm, which purchased plot Nos.20 to 25 and 27 to 32 admeasuring 3181 sq. yards in survey No.274/1 situated at Qutbullapur Village and Mandal, Rangareddy District, and constructed flats therein. The petitioner firm allegedly executed registered sale deeds in 1996 in favour of the purchasers. But when a sale deed executed in favour of one I. Timurthy was presented on 10-08-1998, the fourth respondent allegedly refused to receive the sale deed for registration and the petitioner was informed that as per the letter written by the Mandal Revenue Officer, Qutbullapur Village and Mandal, land in survey No.274/1 is government land, therefore, transactions in respect thereof cannot be registered. Alleging that the land is not government land and that the fourth respondent has no power to refuse registration, the present writ petition is filed.

It is no doubt true that when a document is presented, it is incumbent on the part of

the Registering Officer to examine the same with reference to Sections 32 to 36 of the Registration Act, 1908 (the Registration Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Registration Act, 1908. The communication sent by any Revenue Official cannot be based. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A. Gopal Reddy in W.P.No.15199 of 2004 dated 01-09-2004.

Following the same, this writ petition is disposed of directing the fourth respondent or any other Registering Officer to accept the document presented by the petitioner and to consider the same for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Registration Act. No costs.

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V.V.S.RAO, J

22nd June, 2006

ghn